

**PROVISO**  
**SUBCOMMITTEE**  
**RECOMMENDATIONS**

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**LAW ENFORCEMENT**  
**AND**  
**CRIMINAL JUSTICE**

**PROVISO SUBCOMMITTEE  
LAW ENFORCEMENT AND CRIMINAL JUSTICE  
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**SECTION 37 - P24 - DEPARTMENT OF NATURAL RESOURCES**

**37.8 DELETE** (Interest - License Fees) Require interest earned on all hunting and fishing license fees collected by DNR to be credited to and expended by the department to protect, promote, propagate, and manage fish and wildlife and to enforce related laws.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Codified in Sections 50-9-950(C) [INTEREST EARNED ON BALANCES IN THE FISH AND WILDLIFE PROTECTION FUND]; 50-9-955(C) [INTEREST EARNED ON BALANCES IN THE FISH AND WILDLIFE DEFERRED LICENSE FUND]; 50-9-960(D) [INTEREST EARNED ON BALANCES IN THE MARINE RESOURCES FUND]; 50-9-965(C) [INTEREST EARNED ON BALANCES IN THE MARINE RESOURCES DEFERRED LICENSE FUND]; and 50-9-970(F) [INTEREST EARNED ON REVENUES DEPOSITED TO THE COUNTY GAME AND FISH FUND].* Fiscal Impact: No impact on the General Fund. Requested by Department of Natural Resources.

~~37.8.(DNR: Interest - License Fees) Interest earned by the State Treasurer on all hunting and fishing license fees collected by the Department of Natural Resources must be credited to and expended by the department for the protection, promotion, propagation, and management of fish and wildlife, and the enforcement of related laws.~~

**37.9 DELETE** (Shrimp Baiting Enforcement) Require the department to allocate additional enforcement efforts during the 60 day shrimp baiting period to assist local law enforcement in monitoring and enforcing the baiting laws. Direct that expenditures for other than law enforcement should not exceed 30% of the annual amount collected from the sale of shrimp baiting permits.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Codified in Section 50-9-920(C)(4) [SHRIMP BAITING LICENSE].* Fiscal Impact: No impact on the General Fund. Requested by Department of Natural Resources.

~~37.9.(DNR: Shrimp Baiting Enforcement) The department shall allocate additional enforcement efforts during the sixty (60) day shrimp baiting period to assist existing law enforcement personnel in monitoring and enforcement of the shrimp baiting laws. Further, expenditures for other than law enforcement should not exceed thirty percent (30%) of the annual collections from the sale of shrimp baiting permits.~~

**37.10 AMEND** (Water Recreation Fund and County Game and Fish Fund) Direct the department to retain funds collected for the Water Recreation Fund and the portion of the county game and fish fund derived from licenses and fees and to use those funds for the stated purposes of the funds. Prohibit the department from using these funds to offset base budget reductions. Authorize the department, with the county delegation's recommendation, to use a county's Water Recreational Resource Funds to purchase boats, boat trailers, motors, and boating safety equipment used for law enforcement and rescue.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete directive that Water Recreation Fund and the portion of county game and fish fund revenue be used for stated fund purposes and the prohibition of using the funds to offset budget reductions. *Codified a portion of the proviso in 50-9-920(C)(4) [SHRIMP BAITING LICENSE]; 50-9-970 [COUNTY GAME AND FISH FUND CREATED]; and 12-28-2730(H) [WATER RECREATIONAL RESOURCES FUND].* Prohibition from offsetting base budget reductions conflicts with the flexibility proviso 89.80. Fiscal Impact: No impact on the General Fund. Requested by Department of Natural Resources.

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~~37.10. (DNR: Water Recreation Fund and County Game and Fish Fund) Funds collected during the current fiscal year by the Department of Natural Resources for the Water Recreation Fund and for that portion of the county game and fish fund derived from licenses and fees must be retained by the department and used for the stated purposes of the respective funds, and may not be used by the department to offset base budget reductions for the current fiscal year. In addition to all other uses allowed by statute, the department may use the Water Recreational Resource Funds of a county for the purchase of boats, boat trailers, motors, and boating safety equipment used for law enforcement and rescue, with the recommendation of the county delegation.~~

**37.rr** **ADD** (Reedy River) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct DNR, by September 1, 2011, to transfer \$1,000,000 of the funds held in the State Mitigation Trust Fund to the County of Laurens for the Reedy River Restoration as agreed upon in the Colonial Pipeline Settlement. Fiscal Impact: No impact on the General Fund.

*37.rr. (DNR: Reedy River) The Department of Natural Resources, by September 1, 2011, shall transfer \$1,000,000 of the funds currently being held in the State Mitigation Trust Fund to the County of Laurens for the Reedy River Restoration as agreed upon in the Colonial Pipeline Settlement.*

**SECTION 45 - E20 - ATTORNEY GENERAL'S OFFICE**

**45.5** **AMEND** (Water Litigation) Authorizes the Attorney General to expend current year Water Litigation funds to reimburse Water Litigation expenditures incurred in the prior fiscal year and direct that a record of the prior year expenses be made available to the Senate Finance and House Ways and Means Committees.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to require the Attorney General to use the Water Litigation funds remaining as of July 1<sup>st</sup> as follows: 50% to be used for legal expenses incurred by the Attorney General on Federal litigation and litigation with other states and to transfer the remaining 50% to DNR by September 1<sup>st</sup> for law enforcement operations. Fiscal Impact: OSB states that per the Attorney General there would be no impact on the General Fund or on federal or other funds unless there are outstanding Water Litigation expenses after July 1<sup>st</sup>. Per the Attorney General's Office, the agency was authorized to spend \$6.2 million on water litigation case and there is a balance of \$2,266,395. Requested by Attorney General's Office.

**45.5.** (AG: Water Litigation) The Office of the Attorney General is authorized to expend Water Litigation funds in the current fiscal year to reimburse Water Litigation expenditures incurred in the prior fiscal year. A record of Water Litigation expenses from the prior fiscal year shall be made available to the Senate Finance Committee and the House Ways and Means Committee. *During the current fiscal year the Attorney General must use the remaining Water Litigation funds only as follows: 50% of the balance on July 1<sup>st</sup> must be used only for legal expenses incurred by the Attorney General regarding Federal litigation and litigation with other states, and 50% of the balance on July 1<sup>st</sup> must be transferred to the Department of Natural Resources by September 1<sup>st</sup> for law enforcement operations.*

**45.ar** **ADD** (Auction Rate Securities Settlement, Water Litigation and Federal Lawsuits) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Office of

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Attorney General to transfer \$1,000,000 to the B&C Board from “Auction Rate Securities Settlement” funds that were not used to pay Water Litigation expenses and fees associated with the SC vs. NC water lawsuit. Direct that the funds be held by the board for Attorney General Federal lawsuit expenses and fees and are to be expended when the Attorney General presents approved invoices. Authorize the funds to be retained, expended, and carried forward for this purpose only. Direct that the funds may be used when the Attorney General is either on the plaintiff or defendant side of the lawsuit. Direct that when Federal lawsuits have been satisfied, and with the Attorney General’s approval, the remainder of these funds shall be transferred to the General Fund. Fiscal Impact: OSB states that the Attorney General’s Office reports there is approximately \$2.2 million left in the Auction Rate Securities Settlement account. After all expenses are paid, \$1 million would be transferred to the B&C Board to be used for Federal lawsuit expenses and fees, and upon satisfaction of the lawsuits the remainder of the funds would be remitted to the General Fund. Requested by Office of the Attorney General.

*45.ar. (AG: Auction Rate Securities Settlement, Water Litigation and Federal Lawsuits) The Office of the Attorney General is authorized to transfer one million dollars from the remainder of the “Auction Rate Securities Settlement” that was not used to pay for Water Litigation expenses and fees associated with the South Carolina vs. North Carolina water lawsuit (United States Supreme Court Original Jurisdiction Case Number 138), to the Budget and Control Board. These funds are to be held for Attorney General’s Federal lawsuit expenses and fees and shall be expended upon presentment of Attorney General approved invoices. These funds may be retained, expended, and carried forward from the prior fiscal year into the current fiscal year for this purpose only. These funds may be used if the Attorney General is either on the plaintiff’s or defendants side of the lawsuit. Upon satisfaction of the Federal lawsuits and the approval of the Attorney General, the remainder of these funds shall be transferred back to the General Fund.*

**SECTION 46 - E21 - PROSECUTION COORDINATION COMMISSION**

**46.7 DELETE** (Violent Crime, CDV, DUI Prosecution) Requires the commission to retain violent crime, CDV and DUI prosecution information and data and provide information to the General Assembly in an annual report within 60 days after the end of the fiscal year on charges prosecuted by assistant solicitors. Requires that the report include, unless privileged by law, information and statistics regarding location, number and type of violent crime, CDV, and DUI charges, number of cases prosecuted, and disposition of the cases.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Dedicated funding has not been appropriated for prosecuting these crimes and expenditure of resources on data collection and retention on non-dedicated funded prosecutions should not be required.* Fiscal Impact: No impact on the General Fund. Requested by Prosecution Coordination Commission.

~~**46.7.** (PCC: Violent Crime, CDV, DUI Prosecution) The Prosecution Coordination Commission shall retain information and data on violent crime, criminal domestic violence, and driving under the influence prosecutions and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year of those charges prosecuted by assistant solicitors. If not privileged information by law, the report shall at a minimum include information and statistics regarding the location, the number and type of~~

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~~violent crime, criminal domestic violence, driving under the influence charges, the number of cases prosecuted, and the disposition of the cases.~~

**SECTION 47 - E23 - COMMISSION ON INDIGENT DEFENSE**

**47.4 DELETE** (Post Conviction Relief Payments) Directs the court to order payment of all fees and costs in non capital Post Conviction Relief cases from funds appropriated to the Office on Indigent Defense for defense of indigents in such cases. Directs that the rate of compensation for appointed attorneys not exceed \$40 per hour for time spent out of court and \$60 per hour for time spent in court, or on the basis of a set (flat) fee. Directs that the payment method and amount of the set (flat) fee will be determined by the Commission on Indigent Defense. Directs that compensation and costs not exceed \$1,000 in any single case and be paid from funds appropriated to the Office of Indigent Defense for defense of indigents represented by court-appointed, private counsel in non-capital Post Conviction Relief cases.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Proviso has been incorporated into 47.5 (Civil Court Appointments).* Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.

~~**47.4.** (INDEF: Post Conviction Relief Payments) The court shall order payment of all fees and costs in non capital Post Conviction Relief cases from funds appropriated to the Office of Indigent Defense for non capital Post Conviction Relief cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Compensation and costs shall not exceed one thousand dollars in any single case and shall be paid from funds appropriated to the Office of Indigent Defense for the representation by court appointed, private counsel, in non capital Post Conviction Relief cases.~~

**47.5 AMEND** (Civil Court Appointments) Directs the expenditure of Civil Court Appointments funds to reimburse court appointed private attorneys for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post Conviction Relief. Prohibits Civil Court Appointments funds from being transferred or used for any other purpose. Directs that Civil Court Appointments funds also be used to reimburse private attorney's appointed by the Family Court to serve as guardians ad litem, where volunteer appointments cannot be made. Establishes a reimbursement rate and provides guidelines for reimbursement to exceed the limits.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete reference to attorney's serving as guardian ad litem where volunteer appointments cannot be made. Direct that a portion of "Civil Court Appointments" funds be used to pay for non capital Post Conviction Relief cases . Direct that the rate of compensation for appointed attorneys not exceed \$40 per hour for time spent out of court and \$60 per hour for time spent in court, or on the basis of a set (flat) fee. Direct that the payment method and amount of the set (flat) fee will be determined by the Commission on Indigent Defense. Direct that compensation and costs not exceed \$1,000 in any single case. Direct that if prior approval by written court order is not obtained for reimbursement in excess of the set hourly rate and limit no additional fees shall be paid. Direct that reimbursement in excess of the established amounts are authorized only if the court certifies in a written order that the reimbursement is necessary and such order must be prior to fees being incurred. Direct that if prior approval by written order is not obtained no

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additional expenses shall be paid. *Attorneys are no longer permitted to serve as guardians ad litem. Directives of proviso 47.4 are merged into this provision.* Fiscal Impact: OSB states that the agency indicates no negative impact on the General Fund. Requested by Commission on Indigent Defense.

**47.5.** (INDEF: Civil Court Appointments) The funds appropriated under “Civil Court Appointments” shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post Conviction Relief (PCR) to reimburse court appointed private attorneys and for other expenditures as specified in this provision. Civil Court Appointments funds may not be transferred or used for any other purpose.

A portion of the funds appropriated under “Civil Court Appointments” shall be used for “Termination of Parental Rights” cases and “Abuse and Neglect” cases to reimburse private attorneys who are appointed by the Family Court ~~to serve as guardians ad litem, where volunteer appointments cannot be made~~ and to represent guardians ad litem, children, or parents under the provisions of S.C. Code Sections 20-7-110 et seq., 20-7-1570 et seq., 20-7-1695 (A)(2) et seq., 20-7-7205 et seq., and 20-7-8705 (4)(a) et seq.; for “Probate Court Commitment” cases to reimburse private attorneys who are appointed by the Probate Court to represent indigent persons; and for “Sexual Violent Predator” cases to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the set fee will be determined by the Commission on Indigent Defense. Reimbursement shall not exceed two thousand dollars for any case under which such private attorney is appointed. Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. *If prior approval by written order of the court is not obtained no additional fees shall be paid under any circumstances.*

*A portion of the funds appropriated under “Civil Court Appointments” shall be used for non-capital Post Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Compensation and costs shall not exceed one thousand dollars in any single case.*

*Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained no additional fees shall be paid under any circumstances.*

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant’s attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the Office of Indigent Defense, of fees and expenses not to

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exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense.

Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

A portion of the funds appropriated under "Civil Court Appointments" may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil court appointments, to be reimbursed in accordance with applicable provisos and statutes.

- 47.8** **AMEND** (INDEF: Application Fee for Appointment of Counsel) "Directs that for the current fiscal year, the application fee for public defender services payable under Section 17-3-30(B) [APPLICATION FEE] is increased to \$40.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the reference to "increased to." *Fee is currently \$40.* Fiscal Impact: No impact on the General Fund. Per agency, revenue generated last fiscal year was \$685,495. Requested by Commission on Indigent Defense.

**47.8.** (INDEF: Application Fee for Appointment of Counsel) For the current fiscal year, the application fee for public defender services payable under Section 17-3-30(B) is ~~increased~~ ~~to~~ forty (\$40) dollars.

- 47.10** **DELETE** (Accounting and Transfer of Assets) Requires each public defender corporation to provide to the Commission on Indigent Defense by September 1, 2008, an accounting of all funds received and expended by or on behalf of the corporation for each county served during FY 07-08. Requires the accounting to be certified as true and correct by an official representative of the defender corporation. Requires each corporation, by September 1, 2008, to assign and transfer or cause to be assigned and transferred all corporation funds and other assets to the Office of the Circuit Public Defender in the circuit in which the county is situated and directs that these funds and assets are to be used to provide indigent services within the county.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *All assets have been transferred.* Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.

**47.10.** (INDEF: Accounting and Transfer of Assets) ~~Each public defender corporation shall provide to the Commission on Indigent Defense no later than September 1, 2008, an accounting of all funds received and expended by or on behalf of the corporation for each county served during Fiscal Year 2007-08. The accounting shall be certified by an official representative of the defender corporation as true and correct, and no later than September 1, 2008, each such corporation shall assign and transfer or cause to be assigned and transferred all funds and other assets of the corporation of every kind and nature to the Office of the Circuit Public Defender in the circuit in which the county is situate, to be used for the provision of indigent defense services within the county.~~

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**SECTION 48 - D10 - STATE LAW ENFORCEMENT DIVISION**

**48.17 DELETE** (Alcohol Laws) Directs SLED to convene a working group of state and local law enforcement officials to develop recommendations for improving enforcement of state statutes that relate to the sale, purchase and possession of alcoholic beverages. Provides for composition of the working group. Allows the working group to seek input from the SC Hospitality Association, the SC Association of Convenience Stores and other entities as deemed necessary. Requires SLED, by November 1<sup>st</sup>, to publish on its homepage the group's recommendations to strengthen and improve: (1) enforcement of the laws; (2) cooperation between state and local agencies regarding the laws; (3) statewide support of SLED in enforcing the laws; (4) and use of alcohol related fees collected by SLED.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Report completed and posted on SLED's website with recommendations.* Requested by State Law Enforcement Division.

~~48.17. (SLED: Alcohol Laws) The department shall convene a working group of state and local law enforcement officials to develop recommendations for improving the enforcement of state statutes relating to the selling, purchasing, and possession of alcohol beverages. The working group shall be comprised of the Director of the State Law Enforcement Division or his designee, the Director of the Department of Public Safety, or his designee, two sheriffs, one from a county with a large population and one from a county with a small population, or their designee, appointed by the South Carolina Sheriff's Association, and two police chiefs, one from a city or municipality with a large population and one from a city or municipality with a small population, appointed by the Municipal Association of South Carolina. The working group may seek input from the South Carolina Hospitality Association, the South Carolina Association of Convenience Stores and other entities as deemed necessary. By November first, SLED must publish on its homepage the recommendations of the working group for strengthening and improving: (1) the enforcement of these laws, (2) the cooperation between state and local agencies regarding these laws, (3) the statewide support of SLED in enforcing these laws, and (4) the use of alcohol related fees collected by SLED.~~

**SECTION 50 - N20-LAW ENFORCEMENT TRAINING COUNCIL**

**50.3 DELETE** (CJA-Loan Approval) Authorizes the Criminal Justice Academy, subject to JBRC review and B&C Board approval, to borrow up to \$12,000,000 to construct and equip a new dormitory to house students at the Academy and for additional classroom and office space to meet increased demand. Authorizes the State Treasurer to negotiate the terms and conditions of the loan, revenue bond or other financing arrangement and direct that the indebtedness be repaid exclusively from either the \$5 surcharge authorized in Section 90 or other Criminal Justice Academy funds.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. Fiscal Impact: No impact on the General Fund. Per CJA 6 year loan is for \$9,345,000 for new village at 3.414%. Provides 208 bed dorm and 6 classrooms. Requested by Law Enforcement Training Council.

~~50.3. (LETC: CJA-Loan Approval) Subject to the review of the Joint Bond Review Committee and approval of the Budget and Control Board, the Criminal Justice Academy is authorized to borrow an amount not to exceed \$12,000,000 to construct and equip a new~~

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~~dormitory to house students in training at the Academy and additional classroom and office space to meet the increased demand for mandated basic law enforcement training as well as advanced and specialized training. The State Treasurer is authorized to negotiate the terms and conditions of a loan, revenue bond, or other financing arrangement, the indebtedness for which must be repaid exclusively from either the five dollar surcharge authorized in Section 90 of this Act or other Criminal Justice Academy funds.~~

**SECTION 51 - N04 - DEPARTMENT OF CORRECTIONS**

**51.19 DELETE** (CORR: Dairy Processing Operation Expansion) Authorizes the department, subject to JBRC review and B&C Board approval to borrow up to \$6,000,000 to construct and equip a new Dairy Processing Operation at the Wateree River Farm Facility. Authorizes the State Treasurer to negotiate the terms and conditions of the loan, revenue bond or other financing arrangement and direct that the indebtedness be repaid exclusively from either net revenues of the new Dairy Processing Operation or other department funds.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *The loan was secured and the project has begun. Loan projected to be paid off in 6 years. Per agency in-house production of milk saves \$1 million a year.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

~~**51.19.** (CORR: Dairy Processing Operation Expansion) Subject to the review of the Joint Bond Review Committee and approval of the Budget and Control Board, the Department of Corrections is authorized to borrow an amount not to exceed \$6,000,000 for the purpose of constructing and equipping a new Dairy Processing Operation to be located at its Wateree River Farm facility. The State Treasurer is authorized to negotiate the terms and conditions of a loan, revenue bond, or other financing arrangement, the indebtedness for which must be repaid exclusively from either net revenues derived from operations of the new Dairy Processing Operation or other Department of Corrections funds.~~

**51.28 DELETE** (LAC Recommendations) Directs the department to report on the status of implementing the recommendations contained in the LAC's October 2009 Limited Scope Review of the Department of Corrections. Requires that the report be provided to the Senate Corrections and Penology and the House 3M Committees by January 4, 2011.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Report has been submitted regarding agency expenditures, personnel procedures, litigation, and other operational topics.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

~~**51.28.** (CORR: LAC Recommendations) The Department of Corrections is directed to provide a report on the status of implementation of the recommendations contained in the Legislative Audit Council's October 2009 Limited Scope Review of the Department of Corrections. The report must be provided by January 4, 2011, to the Senate Corrections and Penology Committee and the House of Representatives Medical, Military, Public and Municipal Affairs Committee.~~

**51.29 DELETE** (Legal Fees) Directs the department to submit a report to the Senate Finance and House Ways and Means Committees that details expenditure of all funds, including Insurance Reserve Fund expenditures or any prepaid legal account, that have been expended within the

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last four fiscal years for private lawyers to defend wrongful termination actions or other personnel matters brought against the department's employees or former employees. Requires the report include, at a minimum, a detailed accounting of expenditures, to include names of parties to the lawsuits, cause(s) of action, date of alleged wrongdoing, name of private lawyers engaged, amount paid to each private lawyer, status of pending lawsuits, and outcome of order or judgment. Direct that the report be submitted by October 1 of the current fiscal year.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Report has been submitted on 4 years of claims.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

~~51.29. (CORR: Legal Fees) For the current fiscal year, the Department of Corrections shall submit a report to the Senate Finance Committee and the House Ways and Means Committee detailing the expenditure of all funds, including expenditures from the Insurance Reserve Fund or any prepaid legal account, within the last four fiscal years for private lawyers to defend actions for wrongful termination or other personnel matters against the department's employees or former employees. At a minimum, the report must provide a detailed accounting of the expenditures to include the names of parties to the lawsuits, the cause(s) of action, the date of the alleged wrongdoing, name of private lawyers engaged, amount paid to each private lawyer, status of all pending lawsuits, and outcome of any order or judgment. The report must be submitted by October first of the current fiscal year.~~

**51.re** **ADD** (Credited Jail Time; DNA Sample Collection) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that inmates sentenced to the Department of Corrections for more than 90 days are not required to be transported to the department's Reception and Evaluation Center if their jail time credit is in excess of their sentence. Direct that cities and counties who house inmates who have jail time credit in excess of their sentence may, through written agreement with the department, transfer required commitment records to the department electronically or by other means. Require the department to establish reasonable documentation requirements to facilitate implementation of this cost saving measure. Require department employees assigned to the court to obtain DNA samples from offenders who are required to submit such samples. Direct that this provision does not exempt those inmates from the \$250 DNA fee as required by Section 23-3-670 [COST OF COLLECTION SUPPLIES FOR PROCESSING SAMPLES; PROCESSING FEES]. Direct that the fee be collected in the same manner as other fines and fees and that it be submitted to the State Treasurer for remittance to SLED. Fiscal Impact: Per agency, 311 inmates were admitted to R&E and released within 5 days.

*51.re. (CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for sentences greater than 90 days, but who have credit for jail time in excess of their sentence to incarceration are not required to be transported to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who have credit for jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer required commitment records to the department electronically or by other means. The Department of Corrections must establish reasonable documentation requirements to facilitate the implementation of this cost savings measure. Employees of the Department of Corrections assigned to the court shall obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not exempt the above referenced inmates from the \$250 DNA fee as required by Section 23-3-670 of the*

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1976 Code. The \$250 fee shall be collected in the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.

- 51.cpi**    **ADD** (Cell Phone Interdiction)    **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the director to add a surcharge to all inmate pay phone calls to offset the cost of cell phone interdiction equipment and operations. Direct that the surcharge will be added to the cost per call, be collected by chosen telephone vendor and be paid to the department of a monthly basis. Authorize the department to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone interdiction. Direct that once the equipment is paid in full, the surcharge amount will be reviewed and adjusted to cover the cost of ongoing interdiction operations. Authorize unexpended funds to be carried forward and used for the same purpose. *The equipment will help ensure the safety and security of inmates, employees and the general public.* Fiscal Impact: No impact on the General Fund. Per agency a 50¢ to 75¢ surcharge per call would raise about \$1.5 - \$1.75 million per year towards to total cost of \$5 million. Requested by Department of Corrections.

51.cpi. (CORR: Cell Phone Interdiction) The Director of the Department of Corrections is granted the right to add a surcharge to all inmate pay phone calls to offset the cost of equipment and operations of cell phone interdiction measures. The surcharge will be added to the cost per call, collected by chosen telephone vendor and paid to the department of a monthly basis. The department is authorized to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone interdiction. When the equipment has been paid in full, the surcharge amount will be reviewed and adjusted to cover the cost of ongoing operational expenses of the interdiction equipment. Any unexpended balance may be carried forward from the prior fiscal year into the current fiscal year and be used for the same purpose.

- 51.cia**    **ADD** (Criminal Illegal Alien Rapid Repatriation)    **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Director of the Department of Corrections to release a prisoner to the custody and control of the US Immigration and Customs Enforcement if: a) the department has received an deportation order from the US Citizenship and Immigration Services; b) the prisoner has served at least 1/3 of the total amount of incarceration imposed by the court; or c) the prisoner has not been convicted of an offense as provided in Section \_\_\_\_\_. Require the director to consider all sentences being served when calculating the total amount of incarceration, but prohibit suspended portions of any sentence from being considered. Direct that if a prisoner who is released pursuant to this provision returns to the US illegally, upon notice from any federal or state law enforcement that the prisoner is incarcerated, the director shall revoke their release and the prisoner must serve the remainder of their sentence and shall not be eligible for parole. Fiscal Impact: Per the Department of Justice, in FY 10 SCDC reported 574 alien inmates and the Federal award received was \$376,359 or \$655.68 per alien inmate. In FY 09 SCDC reported 462 alien inmates and the Federal award received was \$459,670 or \$994.96 per alien inmate.

51.cia. (CORR: Criminal Illegal Alien Rapid Repatriation) The Director of the Department of Corrections may release a prisoner to the custody and control of the United States Immigration and Customs Enforcement, provided the department has:

a) received an order of deportation for the prisoner from the United States Citizenship and Immigration Services.

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b) the prisoner has served at least one-third (1/3) of the total amount of incarceration imposed by the court, and

c) the prisoner has not been convicted of an offense as provided in Section of the 1976 Code.

The director shall consider all sentences being served when calculating the total amount of Incarceration, but shall not consider the suspended portion of any sentence.

If a prisoner released pursuant to this provision returns illegally to the United States, upon notice from any federal or state law enforcement agency that the prisoner is incarcerated, the director shall revoke the release of the prisoner and the prisoner shall serve the remainder of the incarceration originally imposed by the court. The prisoner shall not thereafter be eligible for parole on any sentence affected by the release provided above.

**THE BELOW PROVISOS ARE MOVED FROM THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES SECTION BASED ON PROVISO 89.TP.**

**Formerly 52.1**

51.se. (CORR: Sale of Equipment) All revenue generated by the Probation, Parole and Pardon Services Program from the sale of various equipment in excess of \$575, less the cost of disposition incurred by the Budget and Control Board, Division of Operations, may be retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items.

**Formerly 52.2**

51.ic. (CORR: Interstate Compact Application Fee) The department may charge offenders an application fee set by the department, not to exceed \$100, to offenders applying for transfers out of or into the state under the Interstate Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

**Formerly 52.3**

51.ged. (CORR: GED Learn and Earn Program) From the funds appropriated in Part IA, the department may enter into agreements with statewide colleges, technical colleges, and school districts for the purpose of providing GED and GED Prep education to offenders. Offenders of the department enrolled in the program must repay the department the cost of the course and materials within six months of obtaining their GED.

**Formerly 52.4**

51.so. (CORR: Sex Offender Monitoring Carry Forward) The department is authorized to carry forward any unexpended funds in the Sex Offender Monitoring program. These funds must be used for the sex offender monitoring program. For the purpose of calculating the amount of funds which may be carried forward by the department, Sex Offender Monitoring program funds carried forward by this provision shall be excluded from the calculation of the carry forward authorized by provision elsewhere in this Act.

**Formerly 52.5**

51.od. (CORR: Offender Drug Testing Fee) The department may charge offenders a fee set by the department, not to exceed \$50, for the purpose of drug testing. If it is determined that the offender is indigent, this fee must be waived. The fee shall be retained by the department to

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offset the cost of drug testing. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

**Formerly 52.6**

51.ps. (CORR: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult offender placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty-five dollar Public Service Employment set-up fee. The fee must be retained by the department and applied to the department's supervision process. The department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the number of offenders who were assessed the set-up fee and the amount of funds collected.

**SECTION 52 - N08-DEPARTMENT OF PROBATION, PAROLE & PARDON SERVICES**

**THE BELOW PROVISOS ARE DELETED AND MOVED TO THE DEPARTMENT OF CORRECTIONS SECTION OF THE BUDGET BASED ON ADOPTION OF PROVISO 89.TP**

~~52.1. (DPPP: Sale of Equipment) All revenue generated by the Department of Probation, Parole and Pardon Services from the sale of various equipment in excess of \$575, less the cost of disposition incurred by the Budget and Control Board, Division of Operations, may be retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items.~~

~~52.2. (DPPP: Interstate Compact Application Fee) The department may charge offenders an application fee set by the department, not to exceed \$100, to offenders applying for transfers out of or into the state under the Interstate Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.~~

~~52.3. (DPPP: GED Learn and Earn Program) From the funds appropriated in Part IA, the department may enter into agreements with statewide colleges, technical colleges, and school districts for the purpose of providing GED and GED Prep education to offenders. Offenders of the department enrolled in the program must repay the department the cost of the course and materials within six months of obtaining their GED.~~

~~52.4. (DPPP: Sex Offender Monitoring Carry Forward) The Department of Probation, Parole and Pardon Services is authorized to carry forward any unexpended funds in the Sex Offender Monitoring program. These funds must be used for the sex offender monitoring program. For the purpose of calculating the amount of funds which may be carried forward by the department, Sex Offender Monitoring program funds carried forward by this provision shall be excluded from the calculation of the carry forward authorized by provision elsewhere in this Act.~~

~~52.5. (DPPP: Offender Drug Testing Fee) The department may charge offenders a fee set by the department, not to exceed \$50, for the purpose of drug testing. If it is determined that the offender is indigent, this fee must be waived. The fee shall be retained by the department to~~

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~~offset the cost of drug testing. All unexpended funds at year end may be retained and carried forward by the department to be expended for the same purpose.~~

~~52.6. (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult offender placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty five dollar Public Service Employment set up fee. The fee must be retained by the department and applied to the department's supervision process. The department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the number of offenders who were assessed the set up fee and the amount of funds collected.~~

**SECTION 53 - N12 - DEPARTMENT OF JUVENILE JUSTICE**

**53.15** **AMEND** (Emergency Authority to Transfer PIP Funds) Authorizes DJJ to transfer up to \$1,500,000 of its Permanent Improvement Project (PIP) funds, excluding Capital Improvement Bond funds, to its operating and personal service accounts, if those funds are unobligated or not committed for active permanent improvement projects. Authorizes DJJ to use these funds in FY 2010-11 as necessary order to maintain constitutional conditions in its institutional facilities and residential programs.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change Fiscal Year "2010-11" to "2011-12."

**53.15.** (DJJ: Emergency Authority to Transfer PIP Funds) The Department of Juvenile Justice is authorized to transfer to its operational and/or personnel accounts up to \$1,500,000 of Permanent Improvement Project (PIP) funds, excluding Capital Improvement Bond funds, that have been previously allocated to the department by the General Assembly/Joint Bond Review Committee and approved by the Budget and Control Board, if those funds are unobligated or not otherwise committed by the department for active permanent improvement projects. The department may utilize these funds in Fiscal Year ~~2010-11~~ 2011-12 as necessary in order to maintain constitutional conditions in its institutional facilities and residential programs.

**SECTION 71 - C05-ADMINISTRATIVE LAW COURT**

**71.3** **DELETE** (Fee Increase) Prohibits the Administrative Law Court, for the current fiscal year, from charging or increasing filing fees beyond the amounts charged on January 1, 2009.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. Fiscal Impact: No impact on the General Fund. Per agency, would increase revenue for agency operations by \$35,000 per year. Requested by Administrative Law Court.

~~71.3.(ALJ: Fee Increase) For the current fiscal year, the Administrative Law Court may not charge or increase filing fees beyond the amounts charged on January 1, 2009.~~

**SECTION 89 - X90-GENERAL PROVISIONS**

**89.14** **AMEND** (GP: SC Health & Human Services Data Warehouse) **PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND to delete the reference to "Department of Probation, Parole and Pardon Services" to conform to restructuring.

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**89.14.** (GP: SC Health & Human Services Data Warehouse) There is hereby established within the Office of Research and Statistics, South Carolina Budget and Control Board, the South Carolina Health and Human Services Data Warehouse. The purpose of the Warehouse is to ensure that the operation of health and human services agencies may be enhanced by coordination and integration of client information. Client data is defined as person-level data that is created, received, and/or maintained by state agencies and other entities required to report client information to the Office of Research and Statistics under this provision. To integrate client information, client data from health and human services state agencies will be linked to improve client outcome measures, enabling state agencies to analyze coordination and continuity of care issues. The addition of these data will enhance existing agency systems by providing client data from other state agency programs to assist in the provision of client services. Certain client information shall be delivered to the Office of Research and Statistics in order to assist in the development and maintenance of this Warehouse. The following agencies shall report client information:

- Departments of
  1. Health and Human Services;
  2. Health and Environmental Control;
  3. Mental Health;
  4. Alcohol and Other Drug Abuse Services;
  5. Disabilities and Special Needs;
  6. Social Services;
  7. Vocational Rehabilitation;
  8. Education;
  9. Juvenile Justice;
  10. Corrections;
  - ~~11. Probation, Parole and Pardon Services;~~
- Office of the Governor
  1. Children's Foster Care Review Board;
  2. Continuum of Care;
- Office of the Lieutenant Governor, Division on Aging;
- South Carolina School for the Deaf and the Blind;
- Commission for the Blind, and
- Other entities as deemed necessary by the Office of Research and Statistics.

These agencies and departments shall collect and provide client data in formats and schedules to be specified by the Office of Research and Statistics (Office). The Office shall establish a Memorandum of Agreement with each agency, department or division. These Memorandums of Agreement shall specify, but are not limited to, the confidentiality of client information, the conditions for the release of data that may identify agencies, departments, divisions, programs and services, or clients, any restrictions on the release of data so as to be compliant with state and federal statutes and regulations on confidentiality of data, conditions under which the data may be used for research purposes, and any security measures to be taken to insure the confidentiality of client information.

To ensure accountability and the coordinated, efficient delivery of health and human services, the Office shall implement, in consultation with state health and human services agencies and other entities as deemed necessary by the Office, an integrated data system that includes client data from all participating agencies.

In order to provide for inclusion of other entities into the South Carolina Health and Human Services Data Warehouse and other research and analytic-oriented applications that will assist the state in the efficient and effective provision of services, the Office shall have the authority

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to enter into agreements or transactions with any federal, state or municipal agency or other public institution or with any private individual, partnership, firm, corporation, association or other entity to provide statistical, research and information dissemination services including, but not limited to, program and outcomes evaluation, program monitoring/surveillance, projects to determine the feasibility of data collection and/or analyses, information dissemination and research. The confidentiality of data collected under these initiatives shall comply with applicable state and federal laws governing the privacy of data.

The Office shall have the power to promulgate regulations, policies and procedures, in consultation with the participating agencies, for the development, protection and operation of the Data Warehouse, other research and analytic-oriented applications, and their underlying processes.

The Office shall develop internet-accessible secure analytic query tools (such as analytic cubes) using integrated client data from the Warehouse. All agencies shall cooperate with the Office in the development of these analytic tools. It is the intent of this provision that the analytic tools developed under this provision shall be made available to members of the S.C. General Assembly and their research staff members, state agencies, and researchers. To that end, the Office shall, in consultation with the participating agencies, promulgate regulations addressing access to and use and release of information generated through use of the query tools.

All state agencies participating in the Warehouse shall utilize it and its associated software applications in the day-to-day operation of their programs and for coordination, collaboration, program evaluation and outcomes analysis. The Department of Health and Environmental Control shall be exempt from usage of the integrated client management system and the analytic query tools in the day-to-day operation of their Client Automated Record and Encounter System and their South Carolina Community Assessment Network, but shall provide the Warehouse with client data from the system and network.

No state agency shall duplicate any of the responsibilities of this provision.

For purposes of this subsection, all state laws, regulations, or any rule of any state agency, department, board, or commission having the effect or force of law that prohibits or is inconsistent with any provision of this subsection is hereby declared inapplicable to this subsection.

**89.19 AMEND** (Replacement of Personal Property) **PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND to delete the reference to “Department of Probation, Parole and Pardon Services” to conform to restructuring.

**89.19.** (GP: Replacement of Personal Property) The Department of Juvenile Justice, Department of Corrections, ~~Department of Probation, Parole and Pardon Services~~, Department of Mental Health, Department of Disabilities and Special Needs, Continuum of Care, Department of Social Services and School for the Deaf and the Blind may replace the personal property of an employee which has been damaged or destroyed by a client while in custody of the agency. The replacement of personal property may be made only if the loss has resulted from actions by the employee deemed to be appropriate and in the line of duty by the agency head and if the damaged or destroyed item is found by the agency head to be reasonable in value, and necessary for the employee to carry out the functions and duties of his employment. Replacement of damaged or destroyed items shall not exceed \$250 per item, per incident. Each agency must have guidelines to insure the reasonableness of the replacement payments.

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- 89.36** AMEND (State DNA Database) **PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND to delete the reference to “Department of Probation, Parole and Pardon Services” to conform to restructuring.

**89.36.** (GP: State DNA Database) Funds collected by the S.C. Department of Corrections, ~~the Department of Probation, Parole and Pardon~~, and Department of Juvenile Justice to process DNA samples must be remitted to the State Law Enforcement Division to offset the expenses incurred to operate the State DNA Database program. SLED may retain, expend, and carry forward these funds. Any carry forward funds resulting from the DNA Database program must be used solely to operate the DNA Database program.

- 89.68** **DELETE** (Photo Identification Card) Directs the Department of Corrections and the Department of Probation, Parole and Pardon Services to work with DMV to develop and implement a plan to provide inmates who are being released with a valid photo ID card. Directs the Departments of Corrections and Probation, Parole and Pardon Services, to the extent funds are available from an individual inmate’s account, to transfer \$5 to DMV to cover the cost of issuing the photo id card. Directs DMV to use existing resources and technology to produce the photo ID card.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Codified in 24-13-2130(B) [MEMORANDUM OF UNDERSTANDING TO ESTABLISH ROLE OF EACH AGENCY].* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

**89.68.** (GP: Photo Identification Card) ~~The Department of Corrections and the Department of Probation, Parole and Pardon Services are directed to work with the Department of Motor Vehicles to develop and implement a plan for providing inmates who are being released from a correctional facility with a valid photo identification card. To the extent that funds are available from an individual inmate’s account, the Department of Corrections or the Department of Probation, Parole and Pardon Services shall transfer five dollars to the Department of Motor Vehicles to cover the cost of issuing the photo identification card. The Department of Motor Vehicles shall use existing resources and technology to produce the photo identification card.~~

- 89.71** AMEND (Sex Offender Monitoring and Supervision) **PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND to change “Department of Probation, Parole and Pardon Services” to “Department of Corrections” to conform to restructuring.

**89.71.** (GP: Sex Offender Monitoring and Supervision) The funds appropriated to the Department of ~~Probation, Parole and Pardon Services~~ *Corrections* in Part IA, Section ~~52~~ *51*, ~~Program II.A.2.~~ for the Sex Offender Monitoring Program and to the Department of Juvenile Justice in Part IA, Section 53, Program III.A., Special Item: Sex Offender Monitoring are to be used and expended only for GPS monitoring programs of the departments. In cases of limited funds, monitoring of “Jessie’s Law” offenders shall take precedence over all other GPS programs of the departments. Funds appropriated for this program may not be used for any other purpose or transferred to any other program. Unexpended funds appropriated for Sex Offender Monitoring may be carried forward and used for the same purpose. The departments are directed to submit a report to the General Assembly by January fifteenth each year accounting for the expenditure of the funds including any carry-forward funding; the total costs and per-day costs for equipment, supervision, and monitoring; the total number of staff assigned to the activity and the average agent case loads; the amount of funds collected from

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sex offenders for both intensive supervision and electronic monitoring; and the anticipated fiscal needs for the upcoming fiscal year. The report shall also include, but not be limited to, data regarding the number of offenders sentenced to electronic monitoring, including the number sentenced for life; the number of alert notifications received, investigated, and prosecuted; and the number of offenders returned to prison as a result of electronic monitoring violations.

- 89.109 DELETE** (Video Conferencing) Directs the Department of Corrections, in consultation with Court Administration, to determine if using video conferencing technology would be cost effective for certain court proceedings. Directs the department to report their findings to the House Ways and Means and 3M Committees and the Senate Finance and Corrections and Penology Committees by December 1, 2010. Requires the report include an analysis of which court proceedings would be most appropriate for video conferencing, court locations that would be most cost effective, a general description and estimated cost of the equipment needed, and the estimated savings that may be realized.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Report has been submitted.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

~~**89.109.** (GP: Video Conferencing) The Department of Corrections, in consultation with Court Administration, shall determine if the use of video conferencing technology would be cost effective for certain court proceedings. The Department shall report their findings to the Ways and Means Committee and the Medical, Military, Public and Municipal Affairs Committee of the House of Representatives and the Finance Committee and Corrections and Penology Committee of the Senate by December 1, 2010. The report shall include an analysis of which court proceedings would be most appropriate for video conferencing, the court locations that would be most cost effective, a general description and estimated cost of the equipment needed, and the estimated savings that may be realized by the use of video conferencing.~~

- 89.111 DELETE** (DOC & PPP Consolidation Study) Creates a study committee to develop a plan to consolidate Department of Corrections and Department of Probation, Parole, and Pardon Services functions and directs that the plan include an estimate of cost savings realized from consolidation of the agencies. Provides for the composition of the study committee. Directs that appropriate Senate and House committees provide staffing and coordination. Directs that members serve without mileage, per diem, and subsistence. Authorizes the study committee to meet as often as necessary, but requires it to convene no later than sixty days after the effective date of this act. Requires a plan be submitted to the Chairmen of the Senate Finance, House Ways and Means, Senate Corrections and Penology, and House 3M Committees by December 31, 2010 and directs that after plan submission, the study committee shall be dissolved.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *S385 has been introduced.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

~~**89.111.** (GP: DOC & PPP Consolidation Study) There is created a study committee to study and develop a plan to consolidate the functions of the Department of Corrections and the Department of Probation, Parole and Pardon Services. The plan must include an estimate of cost savings that may be realized from the consolidation of both agencies.~~

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~~The study committee shall be composed of the Governor, or his designee; the President Pro Tempore of the Senate, or his designee; the Speaker of the House of Representatives, or his designee; the Chairman of the Senate Corrections and Penology Committee, or his designee; the Chairman of the House of Representatives Medical, Military and Municipal Affairs Committee, or his designee; the Director of the Department of Corrections, or his designee; and the Director of the Department of Probation, Parole and Pardon Services, or his designee. The members of the study committee shall elect a chairman.~~

~~The study committee shall accept committee staffing and coordination from the appropriate committees of the Senate and House of Representatives. The members of the study committee shall serve without mileage, per diem, and subsistence. The study committee shall meet as often as is necessary, and shall convene no later than sixty days after the effective date of this act.~~

~~The study committee shall submit its plan to the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Ways and Means Committee, the Chairman of the Senate Corrections and Penology Committee, and the Chairman of the House of Representatives Medical, Military, Public and Municipal Affairs Committee no later than December 31, 2010, at which point the study committee shall dissolve.~~

**89.tp**     **ADD** (Transfer Probation, Parole and Pardon to Dept of Corrections)     **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Department of Probation, Parole, and Pardon Services to the Department of Corrections. Fiscal Impact: OSB states no impact on the General Fund. The transfer should eventually result in greater efficiencies as of result of economies of scale, primarily within the area of agency administration. However, the workforce needs would need to be reevaluated before reducing staff through either attrition or a reduction in force.

*89.tp. (GP: Transfer Dept. of Probation, Parole, and Pardon Services to Dept. of Corrections) For the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Department of Probation, Parole, and Pardon Services are transferred to the Department of Corrections.*

**89.spd**     **ADD** (GP: Speeding or Traffic Control Devices)     **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require a law enforcement officer be present at the time evidence is obtained when a citation for violating traffic laws is issued that uses speeding or traffic control devices. Require a copy of the written ticket be handed directly to the offender by the law enforcement officer issuing the ticket on the day the citation is issued. Require municipalities and counties to submit a letter to the Office of State Treasurer by July 31<sup>st</sup> that certifies under oath that they are in compliance with this provision. Direct that if any entity fails to submit the letter by July 31<sup>st</sup>, the entity's chief administrative officer shall be notified in writing that the entity has 30 days to comply with the requirements of this provision. Direct the State Treasurer, after the 30 days has expired, to withhold all Aid to Subdivisions Act payments scheduled for the municipality or county. Fiscal Impact: OSB states that DPS indicated no negative impact on the General Fund and the State Treasurer's Office indicated a possible minimal impact to the agency which should be absorbed. OSB has surveyed members of the FIST Network for the local government impact and the responses will be forwarded upon receipt.

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89.spd. (Speeding or Traffic Control Devices) Citations for violating traffic laws using speeding or traffic control devices that use photographic evidence requires the presence of a law enforcement officer at the time the evidence is obtained, and a copy of the written ticket must be handed directly to the offender by the law enforcement officer issuing the ticket on the day the citation is issued.

Municipalities and counties must submit a letter to the Office of State Treasurer by July 31 certifying under oath that they are in compliance with this provision. If any entity fails to submit the letter by July 31<sup>st</sup>, then the chief administrative officer of the entity shall be notified in writing that the entity has thirty days to comply with the requirements of this provision. Upon expiration of the thirty days, if the county or municipality has failed to certify compliance, the Office of State Treasurer must withhold all payments scheduled for the municipality or county under the Aid to Subdivisions Act.